



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.19040 of 2018

and

Crl.M.P.(MD)Nos.8495 & 8496 of 2018

K.Ezhilan

... Petitioner

Vs.

Muthumalai

... Respondent

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code seeking to call for the records in S.T.C.No.5976 of 2014 on the file of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District and quash the proceedings initiated as against the petitioner.

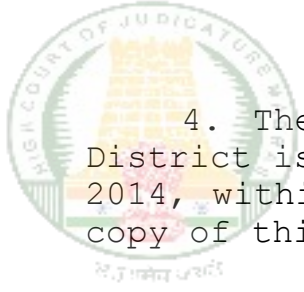
For Petitioner : Mr.A.Thiruvadikumar

ORDER

This Criminal Original Petition is filed seeking to quash the proceedings in S.T.C.No.5976 of 2014 on the file of the learned Judicial Magistrate, Srivaikundam, Thoothukudi District.

2. The learned Counsel for the petitioner raised several grounds and sought for quashing the proceedings initiated by the respondent under Section 138 of Negotiable Instruments Act. All the issues raised by the learned Counsel for the petitioner are factual in nature and this Court cannot go into these questions in exercise of its jurisdiction under Section 482 of the Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same, on its own merits and in accordance with law.

3. The presence of the petitioner before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, in S.T.C.No.5976 of 2014 is dispensed with and he shall be represented by a Counsel. However, the petitioner shall appear before the Court below at the time of questioning under Section 313 and at the time of passing of the judgment. The Counsel representing the petitioner shall cross-examine the witnesses the date on which the witnesses are examined in chief. The petitioner shall not dispute the identity of the witnesses.



4. The learned Judicial Magistrate, Srivaikundam, Thoothukudi District is directed to complete the proceedings in S.T.C.No.5976 of 2014, within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-III)

gk

To

1.The Judicial Magistrate,
Srivaikundam,
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Thiruvadi Kumar, Advocate in SR No.92426

Crl.O.P. (MD) No.19040 of 2018
and
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NM/SV/SAR III/19.11.18/2P/4C.